

HON’BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4431 of 2006

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Dated: March 13, 2006

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Between:

N. Mabu, S/o. Dastagiri, aged about 40 years,
R/o. H.No.2/2-21, Yerraguntla, Kadapa District,
and another.

... Petitioners

And

The Secretary, Regional Transport Authority,
Kadapa, Kadapa District.

... Respondent

Order:

In this Writ Petition, petitioners are seeking direction by way of Writ of Mandamus to declare the action of the respondent in detaining the Registration Certificates and

permits of their vehicles bearing Reg.Nos.AP-04-U-6777, AP-04-U-8250 and AP-04-U-8338, as illegal and arbitrary.

2. It is the case of the petitioners that the aforesaid vehicles were seized by preparing Check Reports with certain allegations such as non-production of records and overload. It is stated that challenging the said seizure, petitioners filed W.P.Nos.2205, 2206 and 2207 of 2006 before this Court and this Court by order dated 06-02-2006, disposing of the Writ Petitions, directed the respondents therein to release the vehicles subject to the condition of payment of tax and also on payment of compounding fee for overloading the vehicles.

3. Learned counsel for the petitioners submits that pursuant to the orders of this Court dated 06-02-2006, vehicles were released by collecting tax and penalty, but, however, all the relevant records were withheld.

4. At the stage of admission, learned Government Pleader has obtained instructions and placed before this Court a copy of the letter addressed by the Regional transport Officer, Kadapa in Lr.No.696/A3/2006 dated 09-03-2006 to the Government Pleader for Transport. The said letter indicates that the said vehicles were earlier checked and records were impounded and compounding fee is due with reference to the Vehicle Check Reports dated 28-09-2005, 14-11-2005 and 28-09-2005.

5. Learned counsel for the petitioners has not disputed that the compounding fee is due on account of seizure of the vehicles; in that view of the matter, without paying the compounding fee, petitioners cannot question the detention of Registration Certificates and permits of the vehicles.

6. In that view of the matter, I dispose of the Writ Petition directing the respondent to release the documents pertaining to the vehicles of the petitioners bearing Reg.Nos.AP-04-U-6777, AP-04-U-8250 and AP-04-U-8338, including the Registration Certificates, permits etc., forthwith, subject to the condition that the petitioners pay the entire compounding fee with reference to the vehicle check reports aforementioned. The fee that may be paid by the petitioners is subject to the enquiry, if any, pending before the competent authority.

7. Subject to the above directions, the Writ Petition is disposed of.

JUSTICE R. SUBHASH REDDY.

March 13, 2006

N.B. Furnish C.C. in three days

B/o

MRR